MEP Implementation Committee Meeting
Meeting Notes for March 31, 2004

TMDLs and CWMP

1. *Will the TMDL be a number?* Yes, but there will be lots of ways to achieve the number, in addition to the allocations in the document.

2. *Will the 0.38 mg/L TN standard for Chatham apply throughout the Cape?* No, it will be site-specific.

3. Accurately delineated watershed boundaries are critical to solid Technical Reports and TMDLs.

4. *How will the TMDL trigger the need for a state permit?* Depends on the local situation and which implementation steps require a permit.

5. *Will TMDL require a CWMP?* DEP encourages a local planning process, but it's not required in the TMDL document.

6. *What is the appropriate area for a CWMP?* Communities with multiple estuaries will want all Technical Reports and TMDLs available to address in one CWMP.

7. Watersheds crossing municipal boundaries may need watershed-wide CWMP processes. This could be challenging for communities with multiple inter-municipal watersheds.

8. *Can classifications of waters change*? Yes, but only if the current standard is not achievable, and requires a further study and a determination by DEP that such change in designated uses is appropriate through a use attainability analysis (UUA). Cost of restoration to achieve uses is not part of EPA's UAA analysis.9. Suggestion that the CWMP stage is late in the game to begin developing watershed-wide district and planning, that better to initiate watershed-wide district or planning group effort earlier in the MEP process.

How to get all municipalities on the same page re. MEP implementation, esp. those resisting involvement?

1. Technical Report and TMDL are first step to quantify the problem. Defines the magnitude of the problem so that communities can no longer deny it.

2. Orleans success story: BoH led the way with formation of town-wide wastewater committee, which represents all local boards, key local groups and ensures communication. Also very active citizen involvement.

3. DEP should:
    - Be at the table now as champion of the MEP and watershed approach.
    - Help educate upstream communities; supportive citizens may be unaware of the issues.
    - Start using the term "responsible party" in discussions; over long term, uninvolved communities will start to recognize their role in nitrogen contributions. Communities understand this term.
    - Provide $ incentives, esp. to upstream communities who don't lie on the estuary; SRF $ may not be enough.
    - Be willing to be perceived as ready to wield the regulatory stick. Need the "illusion of a stick" combined with a big carrot to get change.
    - Recognize that communities can't necessarily implement the MEP in short time frame; in this case, regulatory stick may be most appropriate for getting communities on board the process, with flexibility on timelines for implementation.
    - Publicize success stories (eg, Falmouth sewering in return for additional flow).
    - Need help getting nitrogen limits on 40B projects beyond reach of local regs

SRF

1. 2% interest rate set by law.

2. Flexibility in project selection is key feature; set-asides will reduce this flexibility.

3. DEP can set high/medium/low priorities. If it designates MEP project as high priority, they will get funded.

Nutrient Trading:

1. No one reports considering it at this point. Agreement that communities don't really understand it.

2. May be a useful tool, especially potential for trading in upstream/downstream reductions: reductions upstream are more costly per pound of nitrogen removed. Upstream communities may therefore be asked to contribute $ for a downstream solution, rather than paying for one in their own community. This can be a less expensive option for an upstream community than removing its share of nitrogen.

3. Suggestion that DEP adopt more stringent Title 5 requirements in MEP area, so that the default requirement is to install N-reducing I/A systems community wide UNLESS the community has an alternative plan for taking other N reduction measures. DEP would need to set a relatively short timeframe on compliance with this (i.e., all on-sites much be converted to N reduction systems by date certain unless …).

Management Districts:

1. Agreement that districts should be responsible for WW infrastructure, on-site O&M, and have capacity to raise $ from members and assess fees.

2. Districts should also be required to perform ongoing ecosystem monitoring to track progress of the restoration, in addition to wastewater treatment system monitoring.

3. Communities need backing for their 'no net nitrogen' policies in discussions with developers. DEP asked for examples.

4. Would be helpful for WIC to meet with key DEP people to discuss the findings of the WIC report to be issued this spring.

Interim Controls

1. Need to get word out that I/A systems are not sufficient in all cases; can't hold them out as the solution. Proper I/A O&M is also critical to ensure reductions are achieved.. DEP needs to be willing to support proper O&M of on-sites.

2. Even for areas needing overall moderate N reduction (30-40%), I/A systems may not be the answer, since some portions of watershed may need close to 100% removal for overall moderate reductions. DEP needs to help get the word out because developers are championing I/A technologies as the solution to local BOHs.

3. Make permitting of community wastewater systems easier and less costly so that developers are less inclined to install multiple conventional on-sites or I/A technologies in lieu of a small treatment plant. (large on-site systems < 10,000 gpd) These would be a better interim solution than I/A technologies or dry sewers.

4. Disincentives: hassles of dealing with multiple homeowners. Also don't get credit for more than 19 mgl of N, even if can do much better removal.

5. Moratorium: DEP does not encourage them but sees it as a local decision.

6. Suggestion that DEP develop an "interim threshold or standard" for towns that can't wait for MEP reports and are ready to go right now.

Groundwater Discharges

1. Disincentives: high costs of permitting, monitoring, and compliance, and long permitting time frame. Drives development to individual T5 systems.

2. Narrow the gap between T5 and GW discharges permitting with a “mini GW discharge permit”, to avoid Title 5 applications just under 10,000 gpd threshold.

3. DEP hope to have draft regs for public comment by early 2005. Will discuss draft regulations with group at a subsequent meeting.

4. A low GW discharge standard (5 mgl range) does not always require a new technology; operating adjustments can sometimes meet this target without additional capital costs.

5. Need a stricter nitrogen standard in MEP area, below 10mg/l.

Other Solutions outside Wastewater

1. Suggestion that Water Reuse be part of the equation for MEP solutions.DEP indicated developing regs based on interim policy and would share with group at later date.

2. Suggestion that discussion of permitting MEP restoration projects involving Wetlands Restoration begin now among the various resource agencies. Important to get all state agencies on board with supportive policies and permitting. Examples are Falmouth Ponds and Muddy Creek.

3. Caution not to forget the other side of the equation: water supply issues. Example: Dennis Water District, which has begun a planning process.

4. EOEA water policy group is beginning intensive review of state water policies, to bring many of these pieces together.

5. *What other DEP regulations are being revised or promulgated in conjunction with MEP work?* Surface Water Quality Standards, Title 5, and Wetlands, in addition to the Water Reuse Regs and Groundwater Regs.